

FILED

MAR 20 2020

HEIDI PERCY  
COUNTY CLERK  
SNOHOMISH CO. WASH.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SNOHOMISH

NAJLAA MOHAMAD and NABIL  
MOHAMAD, husband and wife,

Plaintiff,

vs.

HOMEGOODS, INC.,

Defendant.

No. 20 2 02302 31

COMPLAINT FOR  
PERSONAL INJURIES

Plaintiff alleges:

**I. IDENTITY OF PARTIES**

1.1 Plaintiff. The Plaintiff, Najlaa Mohamad and her husband, Nabil Mohamad, are husband and wife, residing in Snohomish County, Washington.

1.2 Defendants. Defendant HomeGoods Inc. ("HomeGoods") is a Delaware corporation or business doing business in Snohomish County, State of Washington. At all

COMPLAINT FOR PERSONAL INJURIES-- Page 1

DENO MILLIKAN LAW FIRM, PLLC  
3411 COLBY AVENUE  
EVERETT, WASHINGTON 98201  
425-259-2222

1 times material hereto, the Defendant was doing business under the name HomeGoods,  
2 located at 18420-33rd Avenue West, City of Lynwood, Snohomish County, Washington.  
3 All acts referred to herein by said Defendant were done for and on behalf of the said  
4 Defendant business by its employees and/or agents acting within the scope of their duties  
5 as employees and agents of said Defendant corporation.

6 1.3 Unknown Defendants. Plaintiff further alleges that there may be other  
7 unknown Defendants whose negligence contributed to Plaintiff's injuries as hereinafter  
8 alleged, but whose correct identity is not now known and are referred to herein as John  
9 Does 1 – 5. Plaintiffs reserve the right to amend these pleadings to reflect the true  
10 identities of these Defendants when their identification becomes known.

11 1.4 Jurisdiction/Venue. Jurisdiction and venue lie in Snohomish County as  
12 Plaintiff resides within Snohomish County, the Defendant HomeGoods does business in  
13 Snohomish County, and the subject incident occurred within Snohomish County.

## 14 II. ACCIDENT

15 2.1 On or about June 13, 2017, Plaintiff Najlao Mohamad was a customer,  
16 business invitee, on the premises owned and operated by the Defendant HomeGoods.

17 2.2 As Plaintiff Najlao Mohamad was entering the store, a chair that had been  
18 negligently stacked on top of another chair near the entranceway, fell over and struck her  
19 lower back, causing serious, substantial and permanent injuries and disabilities.  
20  
21

1           2.3     The chair was negligently stacked by employees of HomeGoods who should  
2     have foreseen the potential for the furniture falling and striking customers such as Plaintiff  
3     Najlaa Mohamad.

4           2.4     In the alternative, HomeGoods maintained a negligent business practice of  
5     allowing customers to deposit and stack furniture near the entrance of the store in such a  
6     way as to create a foreseeable risk to store patrons.

7           2.5     Through the negligent stacking and/or negligent business practice,  
8     HomeGoods had constructive and/or actual notice of the foreseeable hazard to Plaintiff  
9     Najlaa Mohamad.

### 10                           **III. DEFENDANT'S NEGLIGENCE**

11           Defendant's negligence was the sole and proximate cause of the injuries sustained  
12     by Plaintiff Najlaa Mohamad.

13           1.     Negligence of Defendants. At all material times herein the Defendant  
14     HomeGoods employed the employees who engaged in the negligent stacking and/or  
15     negligent business practice as its agent for the purpose of engaging in business on its  
16     behalf. All actions referred to herein by said corporation were done by agents of said  
17     corporation. The agents, both individually and as agents of HomeGoods, are liable for their  
18     negligence. Their identity is not currently known, but Plaintiff reserves the right to amend  
19     the complaint and add them as Defendants upon discovery of their identity through  
20     discovery.  
21

1           2.     ~~Liability~~. Each of the Defendants referred to herein are jointly and severally  
2     liable for the injuries sustained by Plaintiff. The Defendant(s) breached the duties owed to  
3     the Plaintiff and was negligent in the following particulars, to wit:

4           a.     Faulty and unsafe design and/or construction of the floor area where  
5     Plaintiff's injuries occurred;

6           b.     Faulty and unsafe lighting of said area;

7           c.     Failure to give warnings to Plaintiff of the dangerous condition;

8           d.     Failure to properly inspect and maintain the area in question to discover the  
9     dangerous condition;

10          e.     Maintenance of distractions that foreseeably diverted Plaintiff's attention  
11     from the dangerous condition;

12          f.     Failing to keep its establishment safe for public use, either through  
13     negligently stacking furniture near the entranceway or permitting customers to do the same.

14                   **IV. PLAINTIFF'S INJURIES AND DAMAGES**

15           As a direct and proximate result of the negligence of the Defendant aforesaid,  
16     Plaintiff Najlaa Mohamad sustained physical injuries which are believed to be permanent  
17     and disabling, pain and suffering, anxiety and emotional distress, loss of income and future  
18     earning capacity, and past, present and future medical expenses, loss of enjoyment of life,  
19     and such other damages as shall be proved at trial.  
20  
21



1 **V. PLAINTIFFS' DAMAGES**

2 Plaintiff Nabil Mohamad has suffered a loss of consortium as a direct and  
3 proximate result of Plaintiff's injuries outlined in this complaint, caused by Defendant.  
4 Specifically, Nabil Mohamad suffered a loss of emotional support, love, affection, care,  
5 services, companionship, including sexual companionship, as well as assistance from the  
6 other spouse.

7 **VI. NOTICE**

8 The Plaintiff hereby waives the physician-patient privilege ONLY to the extent  
9 required by RCW 5.60.060, as limited by the Plaintiff's constitutional rights of privacy,  
10 contractual rights of privacy, and the ethical obligation of physicians and attorneys not to  
11 engage in ex parte contact between a treating physician and the patient's legal adversaries.

12 **VII. RELIEF SOUGHT**

13 **WHEREFORE**, the Plaintiff prays:

14 1. For judgment against the Defendants, jointly and severally, for all injuries  
15 and damages sustained by Plaintiffs and alleged above, including, without limitation, all  
16 medical expenses, lost wages, impaired earning capacity, pain and suffering, emotional  
17 distress, loss of enjoyment of life, loss of consortium and damage to the husband and wife  
18 relationship, and for such other damages as shall be proved at the time of trial.

19 2. For a judgement awarding Plaintiff's costs, attorney's fees and  
20 disbursements herein as allowed by law.  
21

COMPLAINT FOR PERSONAL INJURIES- Page 5

DENO MILLIKAN LAW FIRM, PLLC  
3411 COLBY AVENUE  
EVERETT, WASHINGTON 98201  
425-259-2222

1           3.       For such other and further relief as the court deems just and equitable.

2       DATED this 20th day of March, 2020.

3                               DENO MILLIKAN LAW FIRM, PLLC

4                                 
5                               \_\_\_\_\_  
6                               PATRICK G. SONGY, WSBA #48914  
7                               Attorney for Plaintiff

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
  
COMPLAINT FOR PERSONAL INJURIES-- Page 6

DENO MILLIKAN LAW FIRM, PLLC  
3411 COLBY AVENUE  
EVERETT, WASHINGTON 98201  
425-259-2222